



Reprinted
February 9, 2005

HOUSE BILL No. 1268

DIGEST OF HB 1268 (Updated February 8, 2005 2:39 pm - DI 69)

Citations Affected: IC 13-17.

Synopsis: Open burning. Allows a person to open burn untreated wood remnants from construction of a structure if the burn occurs in: (1) an unincorporated area that is not designated as a nonattainment area for a regulated air pollutant; and (2) a container that has a capacity of not more than 15 cubic feet that is located on the same site the construction of the structure occurred.

Effective: July 1, 2005.

Pond, Cherry, Bischoff

January 11, 2005, read first time and referred to Committee on Environmental Affairs.
February 3, 2005, amended, reported — Do Pass.
February 8, 2005, read second time, amended, ordered engrossed.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1268

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-17-9-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Subject to section
3 3 of this chapter, a person may open burn the following for
4 maintenance purposes:
5 (1) Vegetation from:
6 (A) a farm;
7 (B) an orchard;
8 (C) a nursery;
9 (D) a tree farm;
10 (E) a cemetery; or
11 (F) a drainage ditch.
12 (2) Vegetation from agricultural land if the open burn occurs in
13 an unincorporated area.
14 (3) Wood products derived from pruning or clearing a roadside by
15 a county highway department.
16 (4) Wood products derived from the initial clearing of a public
17 utility right-of-way if the open burn occurs in an unincorporated

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area.

(5) Undesirable:

(A) wood structures on real property; or

(B) wood remnants of the demolition of a predominantly wooden structure originally located on real property; located in an unincorporated area.

(b) This subsection does not apply to an area that is located in a region designated as a nonattainment area for a regulated air pollutant. Subject to section 3 of this chapter, a person may open burn untreated wood remnants from construction of a structure if the open burn occurs in:

(1) an unincorporated area; and

(2) a container that:

(A) has a capacity of not more than fifteen (15) cubic feet; and

(B) is located on the same site the construction of the structure occurred.

~~(b)~~ **(c)** A person who is allowed to open burn under subsection (a) **or (b)** is not required to obtain:

(1) a permit; or

(2) any other authorization;

from the department, a unit of local government, or a volunteer fire department before conducting the open burning.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 22, begin a new paragraph and insert:

"(b) This subsection does not apply to an area that is located in a region designated as a nonattainment area for a regulated air pollutant. Subject to section 3 of this chapter, a person may open burn wood remnants from construction of a structure if the open burn occurs in:

(1) an incorporated area; and

(2) a container located on the same site the construction of the structure occurred."

and when so amended that said bill do pass.

(Reference is to HB 1268 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 8, nays 4.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1268 be amended to read as follows:

Page 2, line 23, delete "incorporated" and insert "**unincorporated**".

(Reference is to HB 1268 as printed February 4, 2005.)

POND

HOUSE MOTION

Mr. Speaker: I move that House Bill 1268 be amended to read as follows:

Page 1, delete lines 1 through 11.

Page 2, line 21, after "burn" insert "**untreated**".

Page 2, line 23, delete "incorporated" and insert "**unincorporated**".

Page 2, line 24, delete "located on the same site the construction of the" and insert "**that:**

(A) has a capacity of not more than fifteen (15) cubic feet; and

(B) is located on the same site the construction of the structure occurred."

Page 2, delete line 25.

Page 2, delete lines 32 through 42.

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1268 as printed February 4, 2005.)

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